

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

---

ROLAND K. BROWN,  
Plaintiff,

v.

JERALD MAY, WARDEN AT C.F.C.F.;  
BLANCH CARNEY, COMMISSIONER;  
JIM KENNEY, MAYOR OF PHILADELPHIA,  
Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

No. 2:16-cv-01873

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of October, 2019, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Motion for Summary Judgment, ECF No. 37, is **GRANTED in part and DENIED in part** as follows:

A. The Motion is granted with respect to the personal-capacity claims against all Defendants. Judgment is **ENTERED** in favor of Defendants May, Carney, and Kenney in their personal-capacities, and against Plaintiff Ronald Brown.

B. The Motion is denied with respect to the official-capacity claims against all Defendants.

C. The request for punitive damages is dismissed.

2. **On or before November 8, 2019**, the parties shall each notify this Court, in separate filings, whether they want to proceed on the remaining official-capacity claims with either a bench trial or jury trial.<sup>1</sup> Upon receipt of the parties' responses, the Court will schedule

---

<sup>1</sup> All parties previously made a jury demand, but the posture of the case has changed.

trial promptly. Brown is advised that if he fails to timely respond, the case will be dismissed without further notice for failure to prosecute or comply with a court order.<sup>2</sup>

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

---

<sup>2</sup> See Fed. R. Civ. P. 41(b); *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984). As discussed in the Opinion issued this date, Brown did not respond to the Motion for Summary Judgment and there has been no contact from him for more than one year.